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“RESTORING THE TRUST IN NATIVE EDUCATION”

**BRIEFING
PAPERS**



RESTORING THE TRUST IN NATIVE EDUCATION



The mission of the National Indian Education Association (NIEA) is to support traditional Native cultures and values; enable Native learners to become contributing members of their communities; promote Native control of educational institutions; and improve educational opportunities and resources for American Indians, Alaska Natives and Native Hawaiians throughout the United States.

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Early Childhood Education to Lifelong Learning

Key aspects of the education of American Indians, Alaska Natives, and Native Hawaiians are deeply rooted in federal law and policy. Education is an essential element of tribal sovereignty, the federal trust responsibility, and Native self-determination principles recognized under the U.S. Constitution, treaties, statutes, executive orders, and court decisions. The Administration must embrace this foundation and build on it to effectuate positive changes for the future of America's indigenous tribes, communities, and children.

To build community capacity in support of our children and families, culturally responsive policies and practices must build on educational pedagogy and curriculum that builds on our Native children's rich heritage, language, culture, and Native ways of knowing. The success of our Native children are vital to sustainability and nation building within Native communities and society; and we must work to ensure equitable access to early childhood education.

School Readiness - We believe "school readiness" is not just whether the child is ready to succeed in school. It is also whether schools and communities are ready to support that success. The purpose of NIEA is to work with families, teachers and early learning professionals to create a sustainable culturally responsive system that supports transition into Kindergarten.

Early childhood education includes, but is not limited to: Prenatal Health, Childcare, Head Start, Migrant Education, Public and Private Preschool, Faith-Based, Home and Center based Daycares, Special Education and Foster Care. According to the National Association for the Education of Young Children, early childhood education includes children ages birth to 8 years.

The educational levels in public educational institutions indicate that Native students lag far behind their peers throughout the country. The majority of Native students will enter public education at the K-12 level and their families will be faced with the following challenges:

For K-12 Native American/Alaska Native students:

- Nearly 93 percent of the 620,000 Native American students attend K-12 public schools with their non-Native peers.
- Almost 7 percent of Native students attend schools administered by the Department of Interior, Bureau of Indian Education (BIE), a system of 184 schools for educating K-12 American Indian/Alaska Native students spread over 23 states.
- This federally supported Indian education system includes 48,000 students, 29 tribal colleges, universities and post-secondary schools.
- In these educational institutions, American Indians have the lowest level of educational attainment of any racial or ethnic group in the United States.
- The national graduation rate for American Indian high school students was 49.3 percent in the 2003–04 school year, compared to 76.2 percent for white students (EPE Research Center 2007).

For K-12 Native Hawaiian students:

- The enrollment is 56,573 compared to 160,554 non-Native Hawaiian students.
- For 3rd-10th grade students, 74% tested below standard in Math
- For 3rd-10th grade students, 52% tested below standard in Reading
- 67.4% of children are eligible for free/reduced lunch program compared to 49.6% of their peers:

For Native Hawaiian communities, summarized educational and social indicators are outlined, as follows:

Indicators	State of Hawaii	Native Hawaiians
Births with early prenatal care	83.4%	58.5%
Teen birth rate (per 1000, ages 15-17 years old)	22.6%	62.6%
Homeless children (ages 0-5) in shelters	1032	350 (estimate)
3-year olds with childcare subsidies in center-based care	75%	61%
Kindergartners having preschool experience	45.4%	41.3%
Children in free/reduced price lunch program	49.6%	67.4%
Births to mother with less than 12 years education	10.7%	12.9%

*Source: University of Hawaii Center on the Family

There is much work to be done to collect, manage and analyze culturally relevant data, research and reports or publications that address the unique needs and goals of Native Education. NIEA sets forth its highest priorities for Native early childhood education policy and advocacy affirms its commitment to working in partnership with the Departments of Health and Human Services, Education, Interior and the federal agencies on these matters.

- 1. Convene a White House Conference on the Needs of Native Youth:** Consistent with the Native Children's Agenda, NIEA supports a White House Conference to develop policy recommendations and strategies that implement sound cultural appropriate approaches related to the development of Native children which includes their social, emotional, mental, and physical health. Native children suffer from poverty, suicide, teen birth, and substance abuse at rates higher than the national average. Given the current status and situation of Native children, the well-being of Native American children must be an important national priority.
- 2. Support Native Language programs under the Administration for Native Americans, Administration for Children and Families:** Native languages are not spoken anywhere else in the world; and, if they are not preserved, then they will disappear forever. In Native communities across the country, Native languages are in rapid decline. It is a race against the clock to save Native languages. NIEA promotes increased support to the Administration for Native Americans, specifically for the Esther Martinez Native American Language Grant.. The Esther Martinez Native American Languages Act preserves and fosters fluency in Native languages through grants to tribes, tribal organizations, schools, and universities to develop and bolster Native language immersion and revitalization programs.
- 3. Consultation with the Tribes on Early Childhood Education:** Consistent with Executive Order 13175, President's Executive Order on Tribal Consultation, all early childhood education and related programs must ensure opportunities for Consultation in Native communities.
- 4. Assuring New Pre-K initiatives support Indian Head Start and Apply at Bureau of Indian Affairs, and Other Tribal Schools:** Momentum has been building for expanding pre-K services on a universal basis. While certainly an excellent initiative, any such expansion should be done in a manner which strengthens, rather than undermines, existing Head Start programs, and applies to BIA, and tribal schools.

NIEA encourages the Administration to consider policies and collaboration that can provide our children with an education that honors their Native identity and culture, while simultaneously preparing for a successful future from pre-birth to lifelong learning.



Establishing Higher Education Priorities for Native Students

PURPOSE: To establish priorities within Native higher education that addresses pertinent issues and promotes the success of American Indian, Alaska Native and Native Hawaiians at the post-secondary level. This briefing paper will highlight priority policy areas that impact the success of American Indian, Alaska Native and Native Hawaiian students in post-secondary institutions.

While Native students face significant challenges in gaining access to and succeeding in higher education, historically many higher education institutions have failed to address the unique status and needs of Native students. In light of the federal trust responsibility to Native people, institutions of higher education need to work to better serve American Indian, Alaska Native and Native Hawaiian students. The success of Native students is vital to sustainability and nation building within Native communities and society; and we must work to ensure equitable access to higher education for American Indian, Alaska Native and Native Hawaiian students.

PRIORITY AREAS:

1. College Readiness: The National Indian Education Study consistently reports that nearly 80% of 8th grade American Indian and Alaska Native students have a desire to attend college; however data indicates that only approximately 17% of American Indian and Alaska Native high school graduates actually matriculate to college. School systems have failed to adequately prepare Native students for college, resulting in high attrition and low graduation rates. Native students are the least likely of all populations to graduate from college. Native children should be given the opportunity to obtain a comprehensive, culturally relevant education that allows them to succeed in and contribute to building healthy communities. The reauthorization of ESEA focuses on college and career readiness for all students. This must be a top priority for Native students, and NIEA supports a sustained focus on college readiness for American Indian, Alaska Native, and Native Hawaiian students.
2. Financial Aid: Lack of financial support serves as major barrier to post-secondary education for Native students. In an effort to remove financial barriers for Native students, increased funding opportunities must be made available to American Indian, Alaska Native and Native Hawaiian students, with a concentration on Pell Grants, BIE funding and federal loan repayment programs. Pell Grants help to ensure financial access to postsecondary education by providing grant aid to low and middle-income undergraduate students. An increase in the Pell Grant maximum award will help to ensure funding that keeps pace with growing higher education attendance cost. There is a need for increased funding through BIE for college students that keeps pace with rising higher education costs. Student loan programs are a key area that must be addressed. In addition to strengthening income-based repayment plans for overburdened borrowers, loan forgiveness programs for public service should be extended to tribal communities.
3. College Student Support: In order to ensure the success of Native students in higher education we must create strong, safe and culturally responsive institutions that embrace and support Native students. This includes increased recruitment and retention of Native faculty, staff and administrators at institutions of higher education.
4. Supporting Tribal Colleges and Universities: Increased funding to tribal colleges and universities is needed to expand services, strengthen infrastructure, and support growth.
5. Data Collection/Research: More research is needed to understand successful practices that address the needs and achievement of Native college students. Additionally, there is a significant need for longitudinal data to accurately track matriculation, retention, and graduation of Native students in post-secondary institutions.

Tribes must take a more active role in promoting and addressing Native higher education issues at a community and national level. Respectively, the BIE has a longstanding role in Native higher education and needs to support tribes in more effectively addressing priority areas. Further the trust responsibility of the federal government to provide for the education of Native students must be a priority. Addressing Native higher education issues will require collaborative efforts that involve tribes, federal agencies, education institutions, national organizations, and communities.



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Restoring the Trust in Native Education

United States history is replete with policies created to destroy Native identity and assimilate Native Americans into the values and beliefs of European immigrants migrating to America. This same history has given birth to a trust responsibility enshrined in the U.S. Constitution requiring the U.S. to care for its Native American beneficiaries, including a duty to educate them. Unfortunately, the trust responsibility was too often used as a tool to impose ideals and beliefs that harmed rather than helped the Native American beneficiaries it was intended to serve.

Native Americans are well aware of this history and collectively understand that the key to their future success lies in a holistic approach to undo the repressive assimilationist policies of the past and to advocate for educational approaches that honor, respect and accurately teach their history, language and culture. They know that the social ills of poverty, under education, underemployment, depression, suicide, increased mortality and morbidity are but symptoms of a much larger social problem - the intentional destruction of their identity as Native peoples. Whether they are from the 48 states in North America or from Alaska and Hawaii, Native Americans are united in their belief that the best and most effective way to reach and teach themselves and future generations is through programs, policies, and approaches that foster a strong sense of their identity as Native people. It is with this intention that Native Americans seek to partner with the Federal government to create educational opportunities and economic growth centered on this understanding and belief.

Their policy ideas follow:

- 1. Strengthen Tribal Control of Education.** As a matter of right, seek to educate Native children in tribal schools located within their local communities. This will yield better results, both in terms of supporting their culture and promoting student success. For example, when the Federal government adopted a policy of encouraging Tribal self-determination in 1975, Tribes achieved dramatic improvements compared to the Federal administration in those same areas. Similar benefits are possible if Tribal control of education is accomplished. NIEA seeks authority and funding for the establishment of Tribal education departments.
- 2. Invest in Cultural and Language Revitalization.** Native students who have a strong foundation in their history, language and culture are better adjusted socially and perform better academically. NIEA supports culturally-based education and Native language instruction, including language immersion programs. The Esther Martinez Native American Languages Preservation Act, which expires in FY 2012, should be reauthorized and fully funded as a key strategy to accomplish this end.
- 3. Focus on the Development and Retention of Native Teachers, Administrators and Education Leaders.** A strong corps of Native education professionals is an essential element for improving Native education. A Native student who has a Native teacher not only receives instruction in the subject matter, but also has someone who intimately understands the student's culture and is a role model for what that student success. Studies have shown that having such a role model can be the single most important factor in motivating a student to succeed. NIEA supports more resources for the professional development of teachers, salary increases and other long-term employment incentives.
- 4. Improve the Federal Government's Effectiveness in Supporting Native Education.** The Federal government could improve Native education by internally accomplishing the following: (1) elevating the Office of Indian Education within the Department of Education to become the Assistant Secretary for Indian Education; (2) providing increased technical and fiscal support to the National Advisory Council on Indian Education (NACIE); (3) fostering increased collaboration between the U.S. Departments of Interior and Education; (4) establishing a BIE tribal advocacy committee on policy/budget issues; and (5) preparing and issuing a new Presidential Executive Order on Native Education to increase collaboration and coordination amongst programs and departments housed within the U.S. Department of Education.



NIEA Legislative Priorities for 2011

Talking Points

SUPPORT THE UNIQUE NEEDS OF NATIVE STUDENTS IN ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

Background: The ESEA expired in 2007. The 112th Congress has indicated it's plans to advance ESEA reauthorization legislation and President Obama has stated that education reform is a top priority. NIEA urges that ESEA support the use of Native languages, culture and history as a means to better reach and teach Native students.

NIEA's key priorities for the reauthorization of ESEA include:

- **Improving and Expanding Title VII to Address the Unique Cultural and Educational Needs of Native Children:** Title VII ESEA recognizes that Native children have unique educational needs due to their cultures and backgrounds. Please provide stories describing how Title VII benefits your students.
- **Improving Cooperation Among Tribes, States, and the Federal Government:** It would be helpful to describe why it is important for your tribe or Native parents to be involved in the education of your children and why it is important to strengthen this as part of the reauthorization effort.
- **Strengthening ESEA to Provide Support for Instruction in Native American Languages:** Please describe why it is so important that schools include a culturally-based education that includes classes in language and culture.
- **Improving Support for Teachers of Native Students:** Please provide stories on the challenges that your teachers face and challenges of the community in recruiting and maintaining high quality teachers in your schools. Also, please explain any barriers that your community is experiencing in making sure elders and other traditional leaders may teach in your schools.
- **Improving Opportunities for Parents, Families, and Tribes and other Native Communities to Participate in the Education of Native Children:** Please describe challenges that your parents, families, tribes, and communities face in being included in the education of your children and whether you experience difficulties interacting with state or local educational officials when setting achievement standards, developing curriculum, creating assessment tools and meeting the needs of your Native children.
- **Improving the Measurement System for Adequate Yearly Progress:** Please describe any challenges that your schools face in meeting annual yearly progress. Talk about how these categories are implemented and how they make you or your children feel.
- **Requiring the Collection of Data and Research on the Education of Native Children:** More research needs to be done documenting the benefits of culturally-based education and the role of Native languages in boosting the academic achievement for Native students.
- **Increasing Funding for ESEA, especially Title VII:** If possible, provide stories on the challenges created by lack of funding. These days, we keep hearing that it doesn't make sense to throw money at the problem. However, in Native communities lack of money is often the root of many of the problems.

SUPPORT LEGISLATION TO ALLOW BIE AND TRIBES TO RECEIVE RACE TO THE TOP AND INNOVATION FUNDS AT U.S. DEPARTMENT OF EDUCATION

- Support legislation that would allow the BIE in consultation with the Secretary of Education to receive between 1-5% of funds from Race to the Top and the Innovation Fund for BIE schools, tribes, and tribal education departments, for activities consistent with these programs, such as addressing inequities in teacher distribution, establishing longitudinal education data systems, improving educational standards and assessments, and ensuring the improvement of failing schools.

- The American Recovery and Reinvestment Act created Race to the Top and the Innovation Fund administered by the U.S. Department of Education. These programs received billions of dollars under the Recovery Act. Further, the President's FY11 budget requests an additional \$1.35 billion for Race to the Top. Currently, BIE and tribes are NOT eligible to apply for this funding.
- In the 111th Congress, Rep. Betsy McCollum introduced legislation (H.R. 4475) that would provide BIE with this funding for tribes and BIE schools. At your meetings, please urge Members to again support such legislation.

SUPPORT FUNDING FOR ESTHER MARTINEZ NATIVE LANGUAGES ACT IN FY11 and FY12

The Esther Martinez Act preserves and fosters fluency in Native American languages through competitive grants to Tribes, Tribal organizations, schools, and universities to develop and bolster Native language immersion and revitalization programs. Research shows that Native children who participate in language immersion and revitalization programs perform better academically than their Native peers who do not participate. Native languages are not spoken anywhere else in the world; and, if they are not preserved, then they will disappear forever. In Native communities across the country, Native languages are in rapid decline.

NIEA requested a \$10 million increase to \$59 million for FY11 to ANA (Labor, HHS, Education appropriations bill) to support Native language immersion and restoration programs, and seeks the same increase for FY 2012. For FY 2010, ANA received a \$1.750 million increase with the directive that no less than \$12 million of the amount provided to ANA should be used for language preservation activities and not less than \$4 million of the \$12 million should be used for language immersion activities. NIEA urges the continuation of at least \$12 million at ANA for language preservation activities and urges an additional \$10 million in FY11 and FY12 for ANA that would also be used for language preservation activities, resulting in at least \$22 million for language preservation at ANA.

NIEA is very appreciative of the Obama Administration's and Congress's support for this crucial program.

- At your meetings, provide stories to describe the efforts of your tribe or community to preserve your language and explain why it is so important to your community and how it helps improve academic success.

SUPPORT FUNDING FOR JOHNSON O'MALLEY IN FY11 and FY 12

- Urge Members and staff to help restore JOM to AT LEAST the FY 2006 level of \$24 million for FY11 (Interior appropriations bill). Last year, in FY10, JOM was only partially restored at \$21.4 million.
- For FY11, urge Members and staff to fund JOM to meet actual student population needs and account for inflation and other rising costs. The President's FY11 budget requested \$21.273 million for JOM, a decrease of \$256,000 from the FY10 level.
- Provide stories to describe why JOM is important to your Tribe and explain: (1) how JOM helps in a way that other federal programs do not; (2) how it helps your students achieve academically; and (3) what would happen if the funding was eliminated.

SUPPORT FUNDING PRIORITIES FOR TITLE VII NIEA FOR FY11 and FY 12

- **Urge 5% Increase for Title VII of ESEA (Elementary and Secondary Education Act) over the FY10 Enacted Level for a total of \$204.65 million - U.S. Department of Education - Labor, HHS, Education Appropriations Bill**
 - The lack of funding for Title VII is exacerbated by the fact that most Native students live in rural areas with high poverty rates. Title VII provides critical support for culturally based education approaches for Native students. Please provide stories on how Title VII benefits your students and why it provides support in a way that other Titles of ESEA do not.
 - Due to the tight federal budget, urge a modest 5% increase over the FY10 enacted level. NIEA urges that a portion of the increase go toward research studies on the benefits of a culturally-based education, immersion programs, professional development for teachers, and teacher recruitment. NIEA also urges that a portion of this increase go toward funding tribal education departments. NIEA appreciates that the Congress appropriated a \$5 million increase for Title VII in FY10.

SUPPORT FUNDING FOR IMPACT AID IN FY11 and FY12

- Urge 5% increase for Impact Aid, Title VIII, ESEA - U.S. Department of Education - Labor, HHS, Education Appropriations Bill
 - Many public schools on reservations are crumbling and should be replaced. NIEA urges a modest 5% increase for impact aid school construction for FY11. The President's FY11 budget requested the same level as the FY10 enacted level.

SUPPORT FUNDING FOR BIA INDIAN SCHOOL CONSTRUCTION IN FY11 and FY12

- \$263.4 Million for Indian School Construction and Repair - Bureau of Indian Affairs (BIA), U.S. Department of Interior (DOI) - DOI Appropriations Bill
 - Urge funding in the amount of \$263.4 million for FY11 for BIA school construction and repair. BIA's budget has historically been inadequate to meet the needs of Indian students and, consequently, Indian school needs have multiplied. \$263.4 million was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog. The President's FY11 budget requested a decrease of \$60.1 million for a total of \$52.9 million. At this amount, the backlog will only increase, not decrease. The only way to decrease the backlog is to provide sustained increased funding for BIE construction over a span of time.

SUPPORT FUNDING FOR TRIBAL EDUCATION DEPARTMENTS IN FY11 and FY12

- \$10 Million for FY11 for Tribal Education Departments (TED's) at BIA and at U.S. Department of Education - DOI Appropriations Bill and Labor, HHS, Education Appropriations bill

TED's are authorized for funding at the BIA and the U.S. Department of Education under ESEA but have never been funded. \$10 million – with \$5 million for BIA and \$5 million for Department of Education - is a very modest request which would yield exponentially positive benefits for Indian students and provide tribes with increased input over the education of their children. For FY11 and FY 12, urge Members to support \$10 million for TEDs.

SUPPORT FUNDING FOR AMERICAN INDIAN AND ALASKA NATIVE HEAD START IN FY 11 and FY12

- Urge Congress to support full funding in the FY 2011 and the FY 2012 appropriations so as to trigger the Indian special expansion funding provisions. (such funds can only be awarded after full COLA has been paid to all Head Start programs), and to prevent this program from the funding cliff once ARRA ends in 2011. This amounts to an increase of at least \$1 billion for the entire Head Start program, including but not limited to Indian Head Start.
- Urge that the definition of "expansion" for funding purposes should include not only new positions, but also the establishment of new programs in unserved Indian communities, as well as quality improvements (e.g., increased staffing, professional development, transportation equipment, computer technology/web access, facility renovations and repair, etc.). Requests for expansion should also include going from part-day to full-day, from home-based to center-based, full year services and from Head Start to Early Head Start.



Reauthorization of the Elementary and Secondary Education Act: *NIEA's Ongoing Commitment*

NIEA's ACTIVE INVOLVEMENT ON ESEA REAUTHORIZATION

Since 2005, NIEA has actively prepared for the reauthorization of Elementary and Secondary Education Act (ESEA) by conducting 11 field hearings in Washington, DC, Honolulu, HI, Helena, MT, Window Rock, AZ, Albuquerque, NM, Tacoma, WA, Green Bay WI, Oklahoma City, OK, Pine Ridge, SD and San Diego, CA. NIEA has also conducted numerous listening sessions and meetings with Native students, educators, school administrators, Native parents, and tribal leaders to learn about the challenges Native people face under ESEA. Based upon this extensive dialogue, NIEA prepared the *Preliminary Report on ESEA in Indian Country and its ESEA Policy Recommendations*.

In 2007, NIEA developed its proposed amendments to ESEA based upon all the input it received over two years and submitted these amendments to the House Education and Labor Committee and the Senate Health, Education, Labor, and Pensions Committee. NIEA fully supports the intent of ESEA to increase the academic achievement of all children and proposes that we use traditional Native knowledge, languages and history as the means through which we attain the educational and academic goals set forth in the ESEA.

As an organization of Native educators, NIEA supports high achievement standards for all children and holding public schools accountable for results. Further, NIEA lauds the goal of Title VII of ESEA to meet the unique cultural and educational needs of Native children. Title VII affirms the Federal Government's support for culturally based education approaches as a strategy for positively impacting Native student achievement. NIEA wants to strengthen ESEA to better serve the needs of Native communities, particularly to those who live in remote, isolated and economically disadvantaged communities. NIEA is focusing on several key areas in ESEA as set forth below.

Both the House Education and Labor Committee and the Senate HELP Committee released draft ESEA bills in the 110th Congress and most of NIEA's proposed amendments were contained in these bills, including provisions that create a Native language immersion and revitalization grant program in Title VII of ESEA within the Department of Education.

At NIEA's requests, both committees of jurisdiction in the House and the Senate have held congressional field hearings on the impacts of ESEA in Indian Country. These hearings were very helpful in providing useful information to the Committees on the educational needs of Native students. These were the first-ever hearings that the Congress has held on the impacts of ESEA in Indian Country. When ESEA passed in 2002, Indian Country was not at the table. This has changed dramatically. Based upon extensive meetings with NIEA and its membership over the past year and a half, the Committees now understand that the Act is leaving Native children behind and that it needs to be fixed to address their unique educational needs.

NIEA's VIEW OF ESEA FOR 2011

Renewed Hope for Passage. The reauthorization of the Elementary and Secondary Education Act (ESEA) has been pending since 2007. Last year, the Obama administration released a "blueprint" for moving forward on the reauthorization, but it made little progress. However, many think that there is an increased prospect for action this year, as both Democrats and Republicans are interested in making changes to the law. The U.S. Secretary of Education and key Members of the Senate and House of Representatives signalled their intentions to reauthorize the ESEA before the August recess this year.

In his State of the Union Address, President Obama emphasized the importance of passing the ESEA reauthorization, arguing that education was critical to America's economic future. Following the State of the Union Address, Sen. Tom Harkin, D-Iowa, the chairman of the Senate Health, Education, Labor, and Pensions Committee, released a joint statement with Sen. Mike Enzi, the ranking Republican on the Committee, indicating their willingness to work on a bipartisan basis to address K-12 issues. The next day, the two participated in a conference call along with Senator Lamar Alexander (R-Tenn) and Secretary of Education Arne Duncan, where they again reiterated their bipartisan interest in passing legislation this year. Notably, the two top members of the House Education and the Workforce committee, Chairman John Kline, R-Minn. and the ranking Democrat, Rep. George Miller, (D-Cal.) sat together at the State of the Union Address.

Significant Divisions Over ESEA Reauthorization Remain Between and Within the Parties. While a significant bipartisan effort is likely this year, divisions remain. For example, President Obama was particularly proud of his \$4 billion Race to the Top initiative, clearly wanting its extension to be a key part of the ESEA reauthorization. In contrast, Chairman Kline has expressed skepticism about Race to the Top. There continues to be substantial debate on whether test scores should be used to evaluate teacher effectiveness and pay. Meanwhile, Chairman Kline has stated that in his discussions with members of the Republican Caucus he has heard “strong concerns about the [Obama] blueprint and strong concerns about NCLB” and some Republicans are interested in abolishing the U.S. Department of Education, which while unlikely, complicates securing support for laws that give the Department more authority. The President emphasized in his State of the Union address the development of common academic standards; already more than 40 states have agreed to adopt standards in the areas of mathematics and English/language arts. However, Native educators have been wary of such common core standards, as their adoption could make it less likely that Native languages and cultural subjects would receive there due attention.

But there is also bipartisan support for many provisions. Notwithstanding the challenges, there appears to be substantial bipartisan agreement on key areas, such as focusing on the needs of the lowest-performing schools and advancing “teacher evaluation and improvement systems.” There also appears to be bipartisan support for pushing back the 2014 deadline for all students to achieve proficiency, as well as tweaking the Adequate Yearly Progress measure. The two parties share a common concern that schools that are making progress or even doing well still get unfairly labeled failures. Additionally, key Republican and Democratic lawmakers have indicated that they want to give states and local districts much more control over shaping the strategies they use to improve student achievement. On the Senate-side, there appears to be bipartisan agreement for keeping the system of disaggregating data by subgroups (for example, racial minorities and particular populations, such as students in special education).

ESEA in the Senate will be on a fast track. Senator Harkin has announced an ambitious agenda to get a bill ready for his Committee’s consideration by April, with the goal of getting it through both the Senate and the House and on the President’s desk for signature by summer. As the Committee held 10 hearings last year, he does not plan any more hearings but instead the Committee will go right to drafting a new comprehensive bill. On the House side, Chairman Kline appears to prefer to go slower and wants to consider working on ESEA reauthorization through a series of smaller bills, rather than one comprehensive bill.

Increased Funding a Challenge. Even if the ESEA is reauthorized, the top priority for the Republicans this year is holding down Federal spending, so there will likely be a substantial battle over increasing funding to better implement ESEA.



Investing in Tomorrow's Workforce

Colin Kippen

Op-Ed in "The Hill" Publication, Jan. 21, 2011

As President Obama reiterates his call for a sweeping transformation of public education policy and states make their own broad attempts to improve academic achievement, we find ourselves at a critical crossroads. The choices we make today will determine the future of the young people in whose hands we will place America's prosperity. We have an incredible opportunity to ensure that our students receive the kind of education they'll need to thrive in the 21st century workplace, but we must act swiftly.

The Common Core State Standards Initiative offers a major step toward comprehensive education reform. More than 40 states have adopted these standards because they hold the promise of raising historically low academic achievement levels that condemn students of color and Native students to futures of limited opportunity. Such students represent a fast-growing population within our education system, yet they're half as likely to graduate from high school as their white peers. The achievement gap leaves many of those who manage to graduate from high school unprepared to do well in college or the modern workforce.

A report by the Center on Education Policy shows that states are struggling to implement the common core standards, especially in areas that are necessary to actually transform our education system. Unfortunately, a future of fewer, clearer, higher academic standards is still years away even with the rapid adoption of the standards by states. This is troubling because common standards will do little to raise academic achievement if they don't actually increase student's ability to be successful. If poorly implemented, the standards risk making the crisis worse by raising expectations without giving students and teachers the tools to realize success.

In helping states navigate the important work of implementing higher standards, it is critical that we engage communities of color to ensure the needs of every student are well represented. Those of us who have worked to increase achievement among Native students know exactly what happens when an education system fails to consider the cultural values of those it is supposed to serve. Forty-nine percent of Native students leave high school without receiving a regular diploma. Disproportionately high dropout rates make it clear that those who do not see themselves or their perspectives reflected in what they learn in the classroom often disengage. In Native communities, the end result is a constant battle against high unemployment, poverty, and the hopelessness caused by a lack of opportunity. Communities of color must insist on being meaningful partners at every stage of the process to dramatically reform our education system so they may help educators implement standards that are not only strong and rigorous, but also culturally responsive. It is our collective responsibility as communities, parents, educators, and policy makers to use common standards as a catalyst for these reforms.

Let's be clear about what is at stake. By 2020, the students of color who are currently in public schools will make up approximately 37 percent of the U.S. adult population. By 2050, that figure will jump to more than 51 percent. According to the Alliance for Excellent Education, these students will be in the position to earn more than \$300 billion in personal income, if their educational attainment equals that of white students by the time they enter the workplace. It is easy to imagine the overall impact on the nation's economy if these young people can access the education and skills they need to compete in the global marketplace.

Ultimately, the potential stumbling blocks to meaningful education reform cry out for robust federal leadership. Common standards and other state-level strategies to maximize student success must be supported by multifaceted federal policies that encourage high student achievement and reverse the downward spiral of our education system.

The effective implementation of the Common Core Standards Initiative and the reauthorization of the Elementary and Secondary Education Act will truly re-invent our public schools. We cannot allow that vision to fall short of its promise. With support from Congress and the leadership of the administration, it is within our reach to ensure that all students have the opportunity to succeed in the global economy and become informed participants in our democracy. It is our responsibility to seize that opportunity now.



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“Education Secretary: ‘No Child Left Behind’ has led to a ‘Dumbing Down’ ”

Emmanuel Touhey, The Hill, Jan. 28, 2011



President Obama placed special emphasis on education in his State of the Union address Tuesday night, mentioning it 10 times in all. With Congress set to renew the ‘No Child Left Behind’ law this year, The Hill’s Comment Editor Emmanuel Touhey sat down Thursday with Education Secretary Arne Duncan here in Washington, D.C. They discussed the approach Congress should take to overhauling the law, school vouchers, the DREAM Act and proposed rules governing for-profit colleges and universities.

The Hill: ‘No Child Left Behind’ is up due for reauthorization this year. What exactly do you want to see fixed in the law?

Secretary Duncan: There are a number of things that I think are broken with the current law that working in a bipartisan way we can have common sense fixes. I think the law is too punitive, too prescriptive, it’s led to a dumbing down of standards, and it’s led to a narrowing of curriculum. We need to fix all of those things. We have to reward success, reward excellence, look at growth and gain, not just absolute test scores. We have to be much more flexible. When I ran the Chicago public schools, I almost had to sue this department for the right to tutor my children after school. It made no sense why I had to fight this department to help kids who wanted to learn after school, so we have to really get out of the way there. We have to continue to raise standards. We’ve seen 40 states provide leadership, and do that, and we need to provide a well-rounded curriculum, so reading and math are important, but science, social studies, dance, drama, art, music, foreign languages, physical education, all those things. We want the new law to be fair, to be focused to be flexible. And we think we can do these things working together this year.

The Hill: You said recently that education reform is a chance for bipartisan governing. Education is something that both parties have rallied around, but in the current climate where there is a lot of talk about budget cuts, do you think that is possible?

Secretary Duncan: I do think it’s possible. It’s possible and we want to continue to invest in education, not in the status quo but in this new vision of reform in where we’re going. But I think what folks haven’t really understood is reauthorizing the law, that’s a legislative fix, that doesn’t cost a nickel. There is no price tag attached with that. So these are two separate conversations, and we need to have them both and we need to have them at the same time, but fixing the law, we need to do and we need to do now, and there’s no dollars attached to doing that.

The Hill: Are there any programs that you would like to see actually cut that you think are not necessary now?

Secretary Duncan: We’re making some very tough calls on our budget. We’re looking to consolidate 38 programs into 11. We’re trying to streamline, we’re trying to become much more efficient and focus scarce resources in those areas that are making the biggest difference. And we hope Congress will understand that while we’re looking for an increased investment in education, we’re trying to do business in a very tough way and make some tough choices ourselves.

The Hill: Are you in favor of one single bill, or several small bills?

Secretary Duncan: I’m open to that conversation. What I’m interested in is getting to the right outcome, and whatever the best way to get to the finish line makes sense. I don’t think we need another thousand-page, thousand-pound bill. Maybe we do it in 100 pages, and do it in a way that folks can really understand it and be thoughtful on it. Whatever it takes to get there, what I want to get is to the right finish line. We did a national conference call Wednesday with Senator Harkin, Senator Enzi, Senator Alexander, they were very, very positive on this. And the goal is to get a bill to the President before the recess in August. And there are a lot of reasons why it may not happen, but if you ask me today, I’m actually very hopeful.

The Hill: As a practical matter, which do you think would be better, doing a number of small bills – John Kline in the House has talked about that possibility.

Secretary Duncan: Yeah he's talked about that. I actually was in Minnesota with Congressman Kline on Friday and we talked about that. I talked about maybe the idea of maybe doing a smaller bill, he was interested in that, and I think that conversation will continue. So I don't know if there's an exact right answer on it. For me it's been very clear about where we end up, and what's the best way to get there.

The Hill: You did spend some time with him visiting some schools in Minnesota, what did you talk about in terms of education and moving forward?

Secretary Duncan: We talked about a range of things. I just have so much respect for Chairman Kline. He's thoughtful, he's smart and he's committed on this issue. We share fundamentally a need to fix the current law. He has about [200] schools in his district. Under the current law almost every single one is going to be labeled a failure in the coming year. And we went to some phenomenal schools, they're not a failure by any stretch, any definition of what failure is. So schools that are being mislabeled, that are being stigmatized is very demoralizing to hard working teachers, very confusing to parents, and we need to work together to fix it and to do it now.

The Hill: Speaker Boehner has introduced some legislation regarding the school choice program here in the District. Are you in support of that legislation?

Secretary Duncan: I'm just really pleased that the Speaker's really focused on education. I think the more we have these conversations that's helpful. In the past as you know we've fought hard to keep children who are in those current programs, in them, not have them leave schools. We didn't push for renewal of it. And what I'm really interested in is not just saving one or two or three children, but in turning around these chronically underperforming schools. And as you know, we've put \$4 billion behind these efforts, these school improvement grants, and I don't want to just save a handful of children and leave 500 in the school to drown. We want to fix the entire schools, turn them around, and that's the focus of my efforts.

The Hill: Can you do both though? Allow his legislation, and Sen. Lieberman is also doing a similar bill, and your efforts side-by-side?

Secretary Duncan: Well I'm happy to have the conversation and continue to talk it through. Again I think the more all of us are focused on education that's a good thing, and we'll continue to talk with Speaker Boehner. As you know he was a real champion in the previous authorization of No Child Left Behind, worked very hard in a bipartisan way, and I think he's going to be a crucial leader as we move forward this year.

The Hill: The Cardinal Archbishop of Washington was his guest at the State of the Union, so this seems to be something that's important to him, I just want to press you on it. Do you think that his piece of legislation should go forward?

Secretary Duncan: Well I haven't read his piece of legislation, so I don't know the specifics. I haven't in the past supported the continuation of the voucher program. When I got here what I fought hard to do was to keep the current students in the program and what I'm most interested in is thinking about how we help every single student in this country be more successful.

The Hill: And new students maybe coming back into it, at the moment you're not willing to go there?

Secretary Duncan: We hadn't supported that in the past. Again my focus has been on these school improvement grants to significantly fix the schools here in D.C. As you also know D.C. is one of the places that won our Race to the Top grant, so we're very heavily invested here in transforming the entire school system in D.C. Again not just saving one or two children.

The Hill: What do you say to the parents who have been invested in those programs themselves, that live in the District, that can't because you don't support that legislation as of now?

Secretary Duncan: Again, every family, every student that was in that program, we absolutely fought hard to keep them in that program.

The Hill: But new people that want to go in.

Secretary Duncan: Right, well we want to, I'm repeating myself here now, fix the entire program to make the District a high performing District.

The Hill: The DREAM Act almost made it in the last Congress, but didn't. The president talked rather passionately about immigration in the State of the Union, you've also described it as personal to you. Can you elaborate on why the DREAM Act is personal to you?

Secretary Duncan: I will and I'll also say how disappointed I am that it didn't pass. I mean it was a big step in the right direction but ultimately this has to pass. When I ran Chicago's public schools, I had about 400,000 students in my system. About a third of them, more than 100,000, were from the Hispanic community. Many of those were people who came to this country as 4- or 5- or 6-year-olds with their families, don't have status. In my school system they worked extraordinarily hard. They got good grades, stayed in school, were often on the student council, were community leaders, played on sports teams, served in the neighborhood. And then when it was time for them to graduate, the dream of going to college wasn't there for them. And that was just absolutely heartbreaking to me. That students who hadn't committed any crimes, who had done nothing wrong, had done quite the opposite, quite the contrary, have played by all the rules, have been assets, for us to not take advantage of their skills and talents as a community and as a country, is absolutely backwards to me. And my wife and I set up a small, we don't have much money, but we set up a small scholarship program to help some of these students. We had one young man who graduated from high school, was working 40 hours a week at a gas station trying to pay his tuition, the full freight at the University of Illinois-Chicago, it made no sense to me whatsoever. We should all work hard in college. I know I had a job in college, but you shouldn't have to work 40 hours a week pumping gas to try and pay your tuition. And I just think as a country we're leaving tremendous talent on the sidelines at a time when we need every smart, talented, innovator, entrepreneur, and to deny this community the chance to go to college is fundamentally backwards.

The Hill: So what happens now?

Secretary Duncan: I'll do whatever I can to help this come back. I don't know timing, I don't know what the next move is, but I was just deeply, deeply disappointed that it didn't pass.

The Hill: Have you had any conversations with the Chairman of the Judiciary Committee in the House, Lamar Smith or others on the Republican side of the aisle to moving this?

Secretary Duncan: I haven't had a conversation with him directly. I have had conversations with folks from both sides of the aisle, and I just think as a country we missed a real opportunity to strengthen our nation by helping more young people go to college.

The Hill: Final question for you is on the lawsuit from the Association for Private Sector Colleges. What's your reaction?

Secretary Duncan: We're happy to continue working with them, and I've said repeatedly that our ultimate goal in this country is to see many more young people graduate from college, the president has drawn a line in the sand, he's said by 2020 we need to again lead the world in college graduation rates, and that's really the north star of all of our work. We think the vast majority of for-profits do a very good job of helping people get back on their feet and retrain or retool and get skills to be competitive in the global marketplace today. We have unfortunately some bad actors that have taken advantage of folks and left them with tremendous debt and without the skills they need to be successful. And so as we work through all of this, we want to really draw that line in supporting those folks who are doing great work, but also letting those know that where they're abusing this situation, that where they're taking advantage of taxpayer money, that where they're taking advantage of disadvantaged folks who are trying to better their lives, and leaving them in a worse position and not a better one, that we simply can't tolerate that.

The Hill: Any final words as we close on the possibility of cuts that have been talked about?

Secretary Duncan: These are very tough economic times, but there's nothing more important than continuing to dramatically improve the condition of education. You saw in the State of the Union how passionate and how committed the president is on this issue. I don't know if you've seen the president anytime ever talk so thoroughly and from the heart about education in a State of the Union Address. We want to work hard together and in a bipartisan, bicameral way, to improve the quality of education and to help our country get where we need to go.



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“Jobs and American Competitiveness are Top Priorities”

Rep. John Kline (R- Minn.)

“The Hill” publication, Jan. 25, 2011

U.S. House Education and the Workforce Committee Chairman John Kline (R-Minn.) delivered the following remarks today at the Committee's organizational meeting.

Good morning. Let me begin by welcoming the Members of the Committee, staff, and guests to our first meeting of the 112th Congress. There are many new faces in the room, and with those new faces comes a new degree of eagerness and excitement to get to work. I also am pleased to welcome back a number of members who bring invaluable experience from their years of distinguished service.

There is an old saying about this committee that while we don't agree on everything, we disagree without being disagreeable. It has been our tradition under both Republican and Democratic leadership. I want to thank Mr. Miller for abiding by this principle and pledge to do so as well.

Our committee has a long history of facing tough issues, and I have every reason to believe we will be challenged to do so again. More than 14 million Americans are unemployed, and employers remain reluctant to expand and hire new workers. The national debt continues to break new and alarming ground, recently exceeding \$14 trillion. Far too many schools are failing to prepare students to succeed in the 21st century, and many young adults are ill-equipped and can't afford higher education.

When considering the committee's broad jurisdiction, people often ask what the classroom has in common with the workplace. The answer is fairly simple: both are vital to the economic success of our country and the future prosperity of its people. And both require constant innovation to remain competitive with a world that is growing at a rapid pace. Jobs and American competitiveness will be at the forefront of the committee's work.

Over the last several months I have noted on numerous occasions that Washington cannot legislate or regulate our way to job creation or economic recovery. However, it can help create an environment of certainty that gives consumers, employers, and entrepreneurs the confidence they need to spend, hire, and invest. And we continue to realize that however well-intentioned they may be, federal mandates are no substitute for the creativity and ingenuity of local school leaders, dedicated teachers, and engaged parents.

While the best solutions will come from our state and local partners, Congress does have an important, if limited, role to play. To begin the work of improving the nation's schools and workplaces, we will begin by thoroughly examining the costs, benefits, and consequences of current federal programs, mandates, and interventions.

That is why tomorrow we will hold our first hearing to examine broadly the state of the American workforce. And when we return from our upcoming constituent work week, we will start a series of hearings that will take a hard look at the nation's education system and consider what reforms we need to better equip students for success. I am confident these hearings will be part of an ongoing bipartisan discussion that began a year ago and is critical to advancing meaningful education reform.

It is my hope that over the next two years, the committee will rise to the challenges we face and address the concerns of the American people in a manner that reflects well on this institution and the constituents we are elected to serve. We oversee a wide range of policies, programs, and agencies that affect the American workforce and our classrooms. We need to harness the energy and experience of all of our colleagues if we are to complete the work the American people sent us here to do.



Strengthening the Native Voice at the U.S. Department of Education

At no significant additional cost, the Administration can take several steps to strengthen the Native voice at the U.S. Department of Education and thereby assure stronger policymaking:

Elevate the Office of Indian Education, Headed by an Assistant Secretary of Indian Education. From the authorization of the Office of Indian Education (OIE) in 1972, the head of the Office of Indian Education has been directly involved in policy discussions and programmatic decision-making across the U.S. Department of Education programs that ultimately impact Native American students beyond the grants provided by the OIE. At various times since its creation the OIE has been downsized, including being placed under the Office of Elementary and Secondary Education, resulting in the role of the Director being limited primarily to grant management. Today, the Director of the OIE lacks the authority to meaningfully participate in Department policy discussions and decision-making, to manage much needed collaboration and alignment between offices within ED and other federal agencies, such as Department of the Interior, and to ensure coordinated and efficient expenditures on Indian education. OIE should be elevated within the Department of Education with a direct reporting role to the Office of the Secretary of Education and with management by an Assistant Secretary for Native Education. This could be done administratively immediately, as well as confirmed by statute or by executive order.

Provide Full Support for the National Advisory Council on Indian Education (NACIE). The National Advisory Council on Indian Education (Council) is authorized by section 7141 of the Elementary and Secondary Education Act of 1965 (ESEA), 20 U.S.C. 7871. Under this law, NACIE:

1. Advises the Secretary of Education concerning the funding and administration of any program, including any program established under Title VII, Part A of the ESEA, with respect to which the Secretary has jurisdiction and that includes Indian children or adults as participants or that may benefit Indian children or adults
2. Makes recommendations to the Secretary for filling the position of the Director of Indian Education
3. Submits to the Congress annually a report on the activities of the Council, including any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program
4. In accordance with section 2(b) of Executive Order 13336, the Interagency Working Group may consult with the members of the Council for the purpose of obtaining information and advice concerning American Indian and Alaska Native Education



The President's FY 11 Budget Requests For Native Education

OVERVIEW OF THE CONGRESSIONAL APPROPRIATIONS PROCESS

The President submitted his FY11 budget request to Congress on February 1, 2010. Congress has not yet passed any FY 2011 appropriations bills and it remains to be seen whether they will address those bills in early 2011. In the meantime, the President has not yet released his FY 2012 budget request. Release of that document is slated for mid-February 2011. Because of the budget situation, the President's FY 2012 request is likely to be substantially different from the FY 2011 request, and in many places will propose cuts not in the FY 2011 request. Nonetheless, we have set forth here a summary of the FY 2011 budget request since it still represents the most recent budget document available and provides valuable historical information.

After the President issues his FY 2012 budget request, Congress will begin work on developing the actual federal budget with hearings likely to commence by the end of February and continuing for several months. Congress provides funding for Native education programs through primarily two separate annual appropriations bills: the Departments of Labor, Health and Human Services, and Education and Related Agencies appropriations bill (Labor-HHS bill) and the Department of the Interior and Related Agencies appropriations bill (Interior bill).

THE PRESIDENT'S FY11 NATIVE EDUCATION BUDGET REQUEST

Provided below is a compilation of Native education provisions taken from the President's FY11 budget request for the Department of Education, Bureau of Indian Affairs at the Department of the Interior, and the Department of Health and Human Services, as well as historical information from previous fiscal years. Most Native education programs are administered by these agencies.

Department of the Interior – Bureau of Indian Affairs (BIA)

The FY11 budget requests \$2.6 billion for BIA, which is \$53.6 million or 2% below the FY10 enacted level. The President's BIA budget request unveils the Empowering Tribal Nations Initiative. The FY11 BIA budget highlights state that this Initiative is a multi-faceted effort that will advance Nation-to-Nation relationships, improve Indian education, improve safety of Indian communities, and reform trust land management with the ultimate goal of greater self-determination. The Initiative is designed to build upon the White House Tribal Nations Conference and the President's commitment to improving conditions throughout Indian Country. BIA's FY11 budget highlights state that, at the November 2009 Conference attended by over 400 tribal leaders, the President pledged to strengthen Nation-to-Nation relationships, improve the tribal consultation process, and empower strong and stable Indian communities.

Specifically for Indian education, the BIA budget highlights state that the FY11 request advances the Department's continuing commitment to Indian education at 183 schools and dormitories funding by the Bureau of Indian Education. Since 2008, the budget for Indian education has increased by \$109.8 million. Further, it states that, in recent years, investments in the education program have achieved improvements in the educational environment with new schools, facility improvements,

operations and transportation, and new programs focused on student achievement. Excluding one-time funding to forward-fund tribal colleges, the budget maintains 2010 funding for education operations and contains increases of \$8.9 million for key program activities to promote student safety and well-being. The President's FY11 budget proposes increases for Indian education to address environmental and security concerns at BIE schools and strengthening grant support funding for tribally operated BIE schools. However, the President's request for BIA proposes a reduction of \$50 million in one-time funding to forward-fund tribal colleges and a reduction of \$60.1 million from the FY10 enacted level for BIE school construction.

Below is a chart showing requested FY11 funding for key accounts and previous enacted levels from 2007 - 2011 (\$ in thousands):

Education	2007 Enacted	2008 Enacted	2009 Enacted	2010 Requested	2010 Enacted	2011 Enacted
Elementary and Secondary Programs						
Forward funded	\$457,352	\$479,895	\$499,470	\$516,702	\$518,702	\$524,990
Elementary and Secondary Programs	\$60,800	\$74,621	\$75,126	\$77,379	\$77,379	\$127,823
Post Secondary Programs	\$103,161	\$111,749	\$115,272	\$125,691	\$126,791	\$62,269
Forward funded	n/a	n/a	n/a	\$50,000	\$50,000	\$64,321
Education Management	\$6,559	\$23,347	\$26,285	\$26,528	\$26,528	\$25,092
BIA Construction	\$157,441	\$142,935	\$128,837	\$112,994	\$112,994	\$52,854

**American Recovery and Reinvestment Act: \$450,000 for total BIA Construction with \$277,700 of that provided for Bureau of Indian Education school construction and repair.*

Adapted Excerpts from the FY11 BIA Budget Highlights

BIA School Construction (-\$60.1 million):

The budget includes \$52.9 million for education construction; a decrease of \$60.1 million from the FY10 enacted level. The budget highlights state, as with detention center construction, the budget takes into consideration the \$285.0 million that was provided to Indian Affairs for school and detention center construction activities in the American Recovery and Reinvestment Act of 2009. The budget also reflects a proposed transfer of \$50.7 million in education facilities operations and maintenance funding from the Construction account to the Operation of Indian Programs account to increase transparency and improve the management of the maintenance and construction programs. With the \$52.9 million, the BIA school construction budget proposes funding phase two of the Deneshotso replacement school, one school facility replacement project, and support employee housing. The budget maintains essential funding for facility improvement and repair projects at \$34.6 million.

Johnson-O'Malley Assistance Grants (-\$256,000):

The majority of American Indian and Alaska Native students attend public schools, which are frequently unable to provide them with the support systems they need to be successful. JOM grants provide these students with programs that help them stay in school, including remedial instruction, counseling, and cultural programs. Support programs that increase parents' involvement in the school, and in their child's education, may also be included. JOM grants may be used to cover small but important needs such as school supplies and supplies that enable recipients to participate in curricular and extra-curricular programs. These grants serve federally recognized tribal students from three years of age through the 12th grade. Priority is given to programs that are on, or adjacent to Indian reservations, or are Oklahoma and Alaska based. Children enrolled in Bureau or sectarian operated schools are excluded from eligibility. The table below reflects where JOM funding can be found in the budget. As seen below, the FY11 budget proposes a \$256,000 decrease for JOM from the FY10 enacted level.

JOM Funding (FY 11 and FY 12)	FY 11 (in millions)	FY 12 (in millions)
JOM (Education)	\$13.434	\$13.589
JOM (Tribal Government – Self Governance)	\$7.074	\$6.986
JOM (Tribal Government – CTGP)	\$765	\$954
TOTAL JOM Funding	\$21.273	\$21.529

ISEP Program Adjustments (+\$3.9 million):

The Indian School Equalization Program formula funds are one of the primary sources of funding for the BIE's 183 schools

and dormitories. Funds directly support the schools’ core costs such as salaries for teachers, aides, administrators, and support staff, supplies, and classroom materials. The budget proposes a \$3.9 million increase for ISEP formula funds that would be used to implement safety and security programs at 10 schools and to train staff to deal effectively with high-risk student behaviors.

Environmental Audits and Environmental Management at Schools (+\$2 million):

The budget proposes an increase of \$2 million for 13 environmental professionals who would conduct environmental audits at all 183 BIE-funded schools and dormitories. These professionals will be strategically located across the country in order to efficiently reach the schools they are auditing. Any violations will be rectified with facilities operations and maintenance funding. These staff will also assist schools with developing, implementing, and maintaining environmental management systems. These systems will be used by schools to mitigate and prevent environmental violations, and to monitor and improve energy use and environmental quality.

Tribal Grant Support Costs (+\$3 million):

The budget requests a \$3 million increase for Tribal Grant Support Costs program. The BIE currently funds 124 tribally controlled schools and residential facilities. Grant support funding helps to cover administrative and indirect costs incurred by a Tribe operating contract and grant schools. Expenses typically include fiscal audits, personnel, property and procurement management, office services and record keeping, insurance, security, and legal services.

Department of Health and Human Services – Administration for Children and Families

The President’s FY11 discretionary budget request for the Administration for Children and Families is \$58.8 billion, a net increase of \$9.3 billion over FY10. The Administration for Children and Families administers over 60 programs to fulfill its mission of serving America’s children and families. Within the Administration for Children and Families are several programs that focus or greatly assist with the educational needs of Native children, such as Head Start and Native American Programs at the Administration for Native Americans. The President’s FY11 budget requests \$8.2 billion for Head Start, which is an increase of \$989 million over the FY10 enacted level, to serve an estimated 971,000 children. Early Head Start will serve approximately 116,000 infants and toddlers in FY11, nearly twice as many as were served in FY08. The budget requests \$49 million for Native American Programs, which is a \$2 million increase over the President’s FY10 request but was the FY11 enacted level.

Below is a chart showing requested FY11 funding for key accounts and previous enacted levels:

Administration for Children and Families	2007 Enacted	2008 Enacted	2009 Enacted	2010 Requested	2010 Enacted	2011 Enacted
Head Start	\$6,788,500	\$7,000,270	\$7,112,786	\$7,234,783	\$7,234,783	\$8,200,000
Native American Programs (ANA)	\$44,000	\$45,523	\$47,023	\$47,023	\$49,000	\$49,000

Adapted Excerpts from the FY11 HHS Budget in Brief

Head Start - Provides comprehensive development services for low income children and families, emphasizing cognitive and language development, socio-emotional development, physical and mental health, and parent involvement to enable each child to develop and function at his or her highest potential. The President’s budget requests \$8.2 billion for FY11. Also, the Recovery Act provided \$2.1 billion for Head Start, \$1.1 billion of which was specifically for Early Head Start expansion.

Native American Programs - (Administration for Native Americans) – A total of \$49 million is requested for ANA to promote self-sufficiency through competitive grants for community-based social and economic development, professional capacity-building skills, training, entrepreneurship, financial literacy, language preservation and immersion, as well as the implementation of environmental laws, codes and ordinances. The Esther Martinez Native American Languages Preservation Act of 2006 created new categories of activities in the area of native language preservation (language nests, survival schools and language restoration programs) and reauthorized the Native American Programs Act Native American Languages Grant Program. The FY10 Labor, HHS, Education appropriations bill directed that at least \$12 million of funding for ANA shall be used for language preservation programs with no less than \$4 million for language immersion.

Department of Education - Native Education

According to OMB, the President's FY11 budget proposes a bold strategy to achieve the Department of Education's mission of fostering educational excellence, advancing equity and opportunity, improving student achievement, rewarding successful outcomes, investing in innovation and preparing our Nation's children for global competitiveness.

OMB's FY11 Department of Education budget fact sheet describes the following major funding and policy initiatives of the agency:

Reform Elementary and Secondary School Funding

- \$28 billion – a \$3 billion increase – for programs authorized by ESEA, plus up to \$1 billion in additional funding if Congress successfully completes a fundamental overhaul of the law. Together, these measures would represent the largest funding increase for ESEA programs ever requested.
- \$900 million for School Turnaround Grants.
- \$1.35 billion to continue the President's Race to the Top Challenge and to expand the competition from states to school districts that are ready for comprehensive reform.

Increase the Number of Effective Teachers and Principals

- \$950 million in a new competitive fund for states and districts to support bold approaches to recruiting, developing, retaining, and rewarding effective teachers, particularly in high-need schools.
- \$405 million to back successful and innovative pathways into teaching and school leadership.

Support Innovative Student Achievement Efforts

- \$1.8 billion investment in the Supporting Student Success Initiative. Through this effort, the budget reforms the 21st Century Community Learning Centers program to focus funding on models that redesign and extend the school day, week, or year to provide additional time for students to engage in academic and enrichment activities, as well as on programs that support full-service community schools that coordinate access to comprehensive services. Included is \$210 million for the Promise Neighborhoods program, an initiative to improve college-going rates by combining a rigorous K-12 education with a full network of support services.

Invest in Education Programs Proven to Work.

- \$500 million to expand the Investing in Innovation Fund, which will expand proven models – and develop and validate promising ones – for achieving student success.
- Eliminate six discretionary programs and consolidate 38 K-12 programs into 11 new programs that emphasize using competition to allocate funds, giving communities more choices around activities, and using rigorous evidence to fund what works.

Invest in the Next Generation of Scientists and Engineers

- \$300 million in new grants to states to develop and implement curricula and improve teaching and learning in science and math aligned to new high standards.
- \$150 million within the investing in Innovation Fund to competitive grants for school districts, non-profits, and other organizations to develop, validate, and scale promising strategies to improve teaching and accelerate student learning in STEM subjects.

Open Doors to College to More Students

- Make permanent the Recovery Act's increase in the Pell Grant maximum award, and put these grants on a path to grow faster than inflation every year.
- \$10.6 billion in community college funding over 10 years to launch a new American Graduation Initiative that will strengthen and support America's community colleges, focus on college completion, and graduate 5 million more students by 2020.
- Strengthen income-based repayment plans for student loans by reducing monthly payments and shortening the repayment period so that overburdened borrowers will pay only 10% of their discretionary income in repayments and have their remaining debt forgiven after 20 years.

High-Priority Performance Goals

The Administration is committed to building a transparent, high performance government capable of addressing the challenges of the 21st century. As part of developing the budget, every department identified high-priority performance goals (along with strategies and in-house resources to achieve them) that each will work to accomplish over the next two years. Highlights of this department's goals are:

Effective Teaching: Improve the quality of teaching and learning by:

- Increasing by 200,000 the number of teachers for low income and minority students who are being recruited or retained to teach in hard-to-staff subjects and schools in systems with rigorous processes for determining teacher effectiveness;
- Ensuring that all States have in place comprehensive teacher evaluation systems, based on multiple measures of effectiveness, including student achievement, that are used for professional development, retention, tenure, and compensation decisions.

Data Driven Decisions: All states implementing comprehensive statewide longitudinal data systems that link student achievement and teacher data and link K-12 with higher education data and, to the extent possible, with pre-K and workforce data.

Simplified Student Aid: All participating higher education institutions and loan servicers operationally ready to originate and service Federal Direct Student Loans through an efficient and effective student aid delivery system with simplified applications and minimal disruption to students.

Adapted Excerpts from the Department of Education Fiscal Year 2011 Budget Summary

Grants to Local Education Agencies - These funds provide financial support to elementary and secondary school programs that serve Indian students, including preschool children. Funds are awarded on a formula basis to local educational agencies, schools supported and operated by the Bureau of Indian Affairs and in some cases, directly to Indian Tribes. The budget request for Grants to Local Educational Agencies is \$104.3 million. Overall, the President's FY11 budget request for Indian Education in Title VII is funded at \$127.251 million.

Special Programs for Indian Children - Funds are used for demonstration grants to improve Indian student achievement through early childhood education and college preparation programs, and for professional development grants for training Indians who are preparing for careers in teaching and school administration. The budget allocates \$19.060 million for Special Programs for Indians.

National Activities - Funds are used to expand efforts to improve research, evaluation, and data collection on the status and effectiveness of Indian education programs. The President's budget proposes \$3.891 million for these programs.

Education for Native Hawaiians - Funds provide supplemental education services to Native Hawaiians in such areas as family-based education, special education, gifted and talented education, higher education, curriculum development, teacher training and recruitment, and community-based learning. The funding level is \$34.315 million.

Alaska Native Education Equity - Funds provide supplemental education services to Alaska Natives in such areas as educational planning, curriculum development, teacher training, teacher recruitment, student enrichment, and home-based instruction for pre-school children. Grants also go to organizations specified in the law. The funding level is \$33.315 million.

Impact Aid - Provides financial assistance to school districts for the costs of educating children when enrollments and the availability of revenues from local sources have been adversely affected by the presence of Federal activities. Children who reside on Federal or Indian lands generally constitute a financial burden on local school systems because these lands do not generate property taxes—a major revenue source for elementary and secondary education in most communities. In addition, realignments of U.S. military forces at bases across the country often lead to influxes of children into school districts without producing the new revenues required to maintain an appropriate level of education. The President proposes funding Impact Aid at \$1.138 billion. The Budget proposes funding facilities construction is \$17.509 million.

Adult Education - Funds support formula grants to states to help eliminate functional illiteracy among the Nation's adults, to assist adults in obtaining a high school diploma or its equivalent, and to promote family literacy. A portion of the funds is reserved for formula grants to states to provide English literacy and civics education for immigrants and other limited English proficient adults. The FY 2011 budget request for Adult education includes an increase over the FY10 level for an amount of \$653.7 million to assist States in meeting the significant and ongoing need for adult education services.

Pell Grants- Pell Grants help to ensure financial access to postsecondary education by providing grant aid to low-and middle-income undergraduate students. The program is the most need-focused of the Department's student aid programs, with individual awards varying according to the financial circumstances of students and their families. The FY11 budget proposes significantly increasing this program to \$34.878 billion.

Strengthening Alaska Native and Native Hawaiian-Serving Institutions - The purpose of this program is to improve and expand the capacity of institutions serving Alaska Native and Native Hawaiian students. Funds may be used to plan, develop, and implement activities that encourage: faculty and curriculum development; better fund administrative management; renovation and improvement of educational facilities; student services; and the purchase of library and other educational materials. The President's budget requests an increase in this program to \$15.838 million.

Strengthen Tribally Controlled Colleges and Universities - Tribal colleges and universities rely on a portion of the funds provided to address developmental needs, including faculty development, curriculum and student services. The President's Budget requests an increase for this program to \$31.677 million.

Tribally Controlled Postsecondary Vocational Institutions - The program provides grants to tribally controlled postsecondary career and technical institutions to provide career and technical education to Indian students. The request would fund instructional and student support services, as well as institutional support, at the United Tribes Technical College and Navajo Technical College, the only institutions that meet the eligibility requirements for this program. The President's Budget requests a slight increase to \$8.162 million for this program.

For programs specific to Native education, the President's budget requests the following:

Department of Education	2007 Enacted	2008 Enacted	2009 Enacted	Recovery Act	2010 Requested	2010 Enacted	2011 Requested
Education for Native Hawaiians	\$33,400	\$33,315	\$33,315		\$34,315	\$34,315	\$34,315
Alaska Native Education Equity	\$33,900	\$33,315	\$33,315		\$33,315	\$33,315	\$33,315
Indian Education	\$118,700	\$121,690	\$122,282		\$122,282	\$122,282	\$127,251
Grants to LEAs	\$95,300	\$96,613	\$99,331		\$99,331	\$104,331	\$104,300
Special Programs	\$19,399	\$19,060	\$19,060		\$19,060	\$19,060	\$19,060
National Activities	\$4,000	\$3,891	\$3,891		\$3,891	\$3,891	\$3,891
Alaska & Hawaii Higher Education (D)	\$9,000	\$11,579	\$11,579		\$12,158	\$15,084	\$15,838
Alaska & Hawaii Higher Education (M)	n/a	\$15,000	\$15,000		\$0	\$0	\$0
Tribal Colleges & Universities (D)	\$24,000	\$23,158	\$23,158		\$24,316	\$30,169	\$31,677
Tribal Colleges & Universities (M)	n/a	\$30,000	\$30,000		\$0	\$0	\$0
Non-Tribal Institutions serving Native Americans (D)	n/a	n/a	\$3,600		\$2,625	\$3,600	\$3,780
Non-Tribal Institutions serving Native Americans (M)	n/a	\$5,000	\$5,000		\$0	\$0	\$0
Tribal Vocation Education	\$7,400	\$0	\$7,800		\$7,800	\$8,162	\$8,162
Impact Aid	\$1,228,500	\$1,240,717	\$1,128,536		\$1,138,000	\$1,138,000	\$1,138,000
Impact Aid Construction	\$0	\$17,500	\$17,509	\$100,000	\$17,509	\$17,509	\$17,509
Pell Grants	\$12,986,009	\$16,256,000	\$17,288,000	\$9,276,059	\$26,998,000	\$26,998,000	\$34,878,000
Adult Education	\$579,600	\$577,558	\$577,468		\$639,587	\$639,587	\$653,700

NIEA Appropriations Priorities for 2011



Over the past decade, Native education programs have received significant reductions in funding or stagnant funding, translating into funding cuts for these programs due to inflation and other rising costs. If these cuts to Native education are not reversed, then Native children and Native communities will be further harmed as well as future generations, especially given the tragic reality that the standard of living in Native communities continues to be far lower than any other group in the United States. Native communities continue to experience the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care.

Congress never completed the FY 2011 appropriations bills. NIEA's FY 2012 funding priorities, set forth below, follow closely the priorities NIEA put forth for FY 2011, even though the need has only grown in the past year. NIEA budget priorities for FY 2012 are as follows:

5% Overall Increase for Bureau of Indian Education

In FY 2010, total funding to Education was \$809 million. NIEA seeks a 5% overall increase in this funding level, which also includes school operations, among other items. The Federal government's responsibility for the education of Indian people is in response to specific treaty rights; and anything less than full funding of Native education programs signifies increased negligence of its trust responsibility.

\$10 Million Increase over the FY10 Enacted Level for Native Language Immersion and Restoration grants under the Esther Martinez Native Languages Act - Admin. for Native Americans (ANA), Admin. for Children and Families, U.S. Health and Human Services - Labor, HHS, Education Appropriations Bill

NIEA requests a \$10 million increase to \$59 million for FY12 to ANA to support Native language immersion and restoration programs under the Esther Martinez Native Languages Act. In FY10, ANA received a \$1.750 million increase with the directive that no less than \$12 million of the amount provided to ANA should be used for language preservation activities and not less than \$4 million of the \$12 million should be used for language immersion activities. NIEA urges the continuation of the FY10 directive that at least \$12 million at ANA be used for language preservation activities and urges an additional \$10 million in FY12 for ANA that would also be used for language preservation activities, resulting in at least \$22 million for language preservation at ANA. NIEA is very appreciative of the Obama Administration's and Congress's support for this crucial program. President Obama's priorities for Native communities include preservation of Native language programs and specifically support for the Esther Martinez Act.

\$ 24 Million for the Johnson O'Malley Program (JOM) - BIA, DOI – DOI Appropriations Bill

NIEA requests a total of \$24 million for JOM, which was the FY06 enacted level. Over time, funding for JOM has steadily decreased due to the previous Administration's efforts to eliminate the program. NIEA seeks full restoration of JOM to at least the FY 2006 enacted level. The FY10 enacted amount (and the enacted amounts from FY07 through FY09) was \$21.4 million, which was only partial restoration of JOM funding. President Obama's FY11 budget requests \$21.273 million, a decrease of \$256,000 from the FY10 enacted level.

JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized educational needs of Native students. Many Indian children live in rural or remote areas with high rates of poverty and unemployment. JOM helps to level the field by providing Indian students with programs that help them stay in school and attain academic success.

Even though JOM funding is extremely limited due to BIA budget constraints, it is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically. JOM funding is used to provide vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students can grow up to become productive citizens within their communities. For example, JOM funds help students achieve and succeed by providing such services as: eyeglasses and contacts, resume counseling, college counseling, culturally based tutoring, summer school, scholastic testing fees, school supplies, transition programs, musical instruments, Native youth leadership programs, student incentive programs, financial aid counseling, fees for athletic equipment and activities,

caps and gowns, art and writing competitions, etc. Other programs administered by the federal government, such as ESEA funding at the U.S. Department of Education, do not allow funding for these types of activities.

Even with the funding requested, \$24 million will not keep pace with true needs. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth. NIEA urges that the JOM funding freeze be lifted and that other formula-driven and head count-based grants be analyzed to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

5% Increase for Title VII, Native Education, Elementary and Secondary Education Act (ESEA) - U.S. Dept. of Education - Labor, HHS, Education Appropriations Bill

In consideration of the economic downturn and constrained domestic budget, NIEA requests a moderate 5% increase for FY12 over the FY10 enacted level of \$194.912 million for a total of \$204.65 million for ESEA Title VII funding. This amount would include provide a 5% increase in funding for the following programs within Title VII: Indian Education, Alaska Native Education Equity, and Education for Native Hawaiians. President Obama's FY11 budget requested the FY10 enacted level of \$194.912 million. NIEA appreciates that Congress provided an increase in FY10 of \$5 million over the FY09 enacted level for Title VII.

NIEA requests that \$2 million of the increase it seeks go toward national research activities (Title VII, Part A, Subpart 3) that would focus on indigenous language and culture-based assessments and research in teaching Native children, which could include projects by consortia of immersion schools. NIEA requests that another portion of the increase it seeks go toward funding Tribal Education Departments, which are authorized under ESEA but have never been funded as well as to teacher in-service and professional development programs contained in the Special Programs section of ESEA.

Title VII provides critical support for culturally-based education approaches for Native students and addresses the unique educational and cultural needs of Native students. It is well-documented that Native students thrive academically in environments that support their cultural identities while introducing different ideas. Title VII has produced many success stories but increased funding is needed in this area to bridge the achievement gap for Native students.

5% Increase for Impact Aid, Title VIII, ESEA - U.S. Department of Education - Labor, HHS, Education Appropriations Bill

NIEA requests a 5% increase for FY12 over the FY10 enacted level for impact aid. The President's FY11 request for impact aid was \$1.138 billion, which was the FY10 enacted level. This amount does not keep pace with inflation. Further, the FY11 budget proposes \$17.509 million for impact aid facilities construction. The funding proposed for FY11 does not meet the tremendous backlog to build new facilities. Many public schools on reservations are crumbling and should be replaced. NIEA urges that the 5% increase be used for facilities construction so that some progress can be made in meeting the mushrooming public school construction needs on reservations. NIEA appreciates that \$100 million was allocated for impact aid facilities construction in the American Recovery and Reinvestment Act.

\$263.4 Million for Indian School Construction and Repair - Bureau of Indian Affairs (BIA), Dept. of Interior (DOI) - DOI Appropriations Bill

NIEA requests a \$150.4 million increase from the FY10 enacted level of \$112.994 million for a total of \$263.4 million in FY11 to the BIA for Indian school construction and repair. President Obama requests only \$52.854 million for FY11 for BIE school construction and repair, which is a \$60.1 million decrease from the FY10 enacted level. This amount is simply not enough to address the staggering construction and repair backlog. Since FY 2005, the funding levels have dramatically decreased for this critical program. NIEA seeks \$263.4 million because this was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog. BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied. NIEA appreciates that \$277.7 million was provided to BIE school construction and repair under the American Recovery and Reinvestment Act.

\$10 Million for Tribal Education Departments (TED's) - BIA, DOI - DOI Appropriations Bill and U.S. Dept. of Education - Labor, HHS, Education Appropriations Bill

TED's are authorized for funding at the BIA (as well as the U.S. Dept. of Education under NCLB) but have never been funded. TEDs develop educational policies and systems for Indian communities that are attuned to the cultural and specialized academic needs of Indian students. TEDs partner with the federal government and state governments and schools to improve education for tribal students. \$10 million for FY12 with \$5 million for BIA and \$5 million for DOE for TED's is a very modest request that would yield positive benefits for Indian students and provide tribes with increased input for education.



Bureau of Indian Education Schools



One of the greatest opportunities for Indian Country to have a direct hand in guiding the educational program for Indian children is the Bureau of Indian Education school system. Regrettably, however, this is one of the most poorly funded school systems in the United States.

BIE schools were created by the Federal government expressly to serve Indian children of elementary and secondary school age in reservation communities. When the Indian self-determination era began in 1975, Tribes moved first to take over operation of schools. Today, Tribal school boards directly operate more than two-thirds of the 183 BIE schools and dormitories. Even the 59 schools still operated by BIE's federal employees receive guidance from tribal school boards selected from the Indian communities being served. With increased Tribal involvement there has been a very positive emphasis on Tribal culture and language in these schools. However, this system needs more support from the Federal government if it is to realize its full potential.

Some of the challenges to bringing more support to this system include:

- The student population is comparatively small. Its entire enrollment is only about 42,000 children. This represents nearly 10% of all school-age Indian children.
- Schools are scattered throughout 23 states. This fact makes the BIE school system the geographically largest in the nation also makes it impossible for the schools to interact as a "system".
- For many years, Congress has had a moratorium on creating new BIE schools. Thus, tribes who want to start BIE schools on their reservations cannot do so.

Funding shortage. The BIE schools are funded through the budget for the Bureau of Indian Affairs. They are totally dependent upon Federal funding, as these schools are not part of any state public school system. Regrettably, funding for operation of educational programs, facilities, administrative costs, and student transportation is chronically and seriously inadequate. For example, the statutory formula created for calculating funding for tribally-operated schools' administrative costs is currently funded at only 60% of need; and the budget for school facilities operations costs supplies less than 50% of the amount needed. Funding for educational, residential, and student transportation programs are similarly under-funded.

If it is to survive, the BIE school system must be exempt from any reduction or freeze in Federal spending. The Congress has the responsibility to provide this Federal school system with the level of resources it needs to overcome the challenges of operating educational institutions in remote and underserved communities.



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Bureau of Indian Education Race to the Top

In his 2011 State of the Union address, President Obama stated that he would like to see Race to the Top as a central element of the reauthorization of the No Child Left Behind Act. Subsequently, however, Representative John Kline, the Chairman of the House Education and the Workforce Committee, indicated his opposition to that proposal. As a result, the future of Race to the Top remains uncertain.

BACKGROUND

The Department of Education through the American Recovery and Reinvestment Act (ARRA) provides \$53.6 billion for the State Fiscal Stabilization Funding (SFSF), a one-time appropriation program that includes formula funding and competitive grants. Tribal governments and the Bureau of Indian Education (BIE) schools are ineligible to access SFSF funding, including \$4.35 billion in Race to the Top grants, under ARRA. As a result, tribes and BIE schools are deprived the same economic relief as public schools although 76% of the BIE schools are not making adequate yearly progress. In addition, most BIE schools experience the same, and in many cases exacerbated, hardships as public schools (i.e. averting layoffs, creating jobs, supporting academic improvement, and school modernization.) Likewise, BIE and tribal schools are not incentivized or supported in the same manner as the states to develop the reforms outlined in ARRA, despite similar challenges, the documented low performance and demonstrated high need.

RACE TO THE TOP COMPETITIVE FUNDING

States applying to the Race to the Top program are incentivized and supported to advance education reforms that will benefit students from early learning through post-secondary education, including: college and career ready standards and high-quality, valid and reliable assessments for all students; development and use of pre-K through post-secondary and career data systems; increasing teacher effectiveness and ensuring an equitable distribution of qualified teachers; and turning around the lowest-performing schools. Before this Fall, the U.S. Department of Education is expected to award \$5 billion competitively under the "Race to the Top" and "Investing in What Works and Innovation" programs. President Obama proposed \$1.35 billion in his FY 2011 budget request to continue the Race to the Top program. While tribes will be eligible to apply for the will be approximately \$650 million available for "Investing in What Works and Innovation" grants, they are ineligible to apply for funding available in the Race to the Top program.

SFSF allocates one-half of 1% to the outlying territories for elementary, secondary, and higher education, and as applicable, early childhood education. There is no allocation that provides funding to the BIE or tribes, many of whom operate tribal elementary and secondary schools, tribal colleges, early childhood education programs, and tribal education departments. NIEA supports H.R. 4775, a bill that provides for tribes to be allocated between one to five percent of funding for the Race to the Top program.

REQUEST

NIEA requests support for legislation to amend the American Recovery and Reinvestment Act of 2009 to direct the Secretary of Education to reserve 1% to 5% of the amount reserved from the State Fiscal Stabilization Fund for the State Incentive Grant program (Race to the Top) for grants to the Bureau of Indian Education of the Department of the Interior to carry out activities for Indian children that are consistent with that program.



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The Johnson O'Malley Program

THE PURPOSE OF THE JOHNSON O'MALLEY PROGRAM

The Johnson O'Malley (JOM) program grants are the cornerstone for many Indian Tribes, school districts, Tribal organizations, and parent committees in meeting the unique and specialized educational needs of Indian students enrolled in public schools or non-sectarian schools. The purpose of JOM grants is to provide supplementary financial assistance for Indian students. The JOM Program meets the focused goal of academic achievement by providing Indian students ages 3 to grade 12 with supplemental educational programs or support so that these students can attain academic success. Many Indian children live in rural or remote areas with high rates of poverty and unemployment and funds from JOM have historically provided basic resources so that Indian students can participate in school like their non-Indian peers, which, in turn, gives them a chance to achieve academically and meet Annual Yearly Progress targets.

JOM has separate statutory authority and a separate purpose from the No Child Left Behind Act. The Johnson O'Malley Act was enacted in 1934 to allow the Department of the Interior to provide assistance to Indians in the areas of education, medical attention, agricultural assistance, social welfare, and relief of distress because of findings that Indians needed support to transition from Indian-only settings to general population settings such as the environments found in public schools and in urban areas. The findings in 1934 are still the case today in many parts of Indian Country.

HOW IT WORKS

Under the JOM program, tribes, tribal organizations, States, and school districts are eligible to contract with the BIA for JOM funds for supplemental or operational support programs. Tribes who wish to contract with the BIA for JOM funds must notify the BIA of their interest the preceding school year for which the contract will be let and must comply with the contracting requirements set forth in P.L. 93-638, the Indian Self-Determination and Education Assistance Act of 1975, as amended, which requires statements of work, education plan budgets, budget justifications and annual performance reports.¹

Prospective contractors who are not tribes must, among other things, obtain approval from the relevant Indian Education Committee of an education plan that becomes a part of any contract awarded. The Indian Education Committee is a committee comprised of parents of eligible Indian students enrolled in the school affected by the contract who are selected by the Tribe affected by the contract. The Indian Education Committee can also be the local school board if it is composed of a majority of Indians. Among other things, the Indian Education Committee participates by: developing, implementing and evaluating all programs; recommending curricula, including texts, materials, and teaching methods; recommending criteria for employment in the program; nominating qualified educational programmatic staff that the contractor is required to select; evaluating staff performance and program results; recommending cancellation or suspension of a contractor to the BIA if the contractor does not allow the Indian Education Committee to exercise its powers; completing an annual assessment of the learning need of Indian children in the affected community; having access to all needed reports, evaluations, surveys and other program and other budget related documents; hearing grievances related to programs in the education plan; and holding meetings on a regular basis that are open to the public.²

The education plans required in JOM contracts must, among other things, contain: (1) educational goals and objectives which adequately address the educational needs of the Indian students to be served by the contract; (2) the program or programs developed and approved by the Indian Education Committee; (3) established State standards and requirements and descriptions of how State standards and requirements will be maintained; (4) program goals and objectives related to the learning needs of Indian students; (5) procedures and methods to be used in achieving program objectives, including ways in which parents, students, and communities are involved in determining needs and priorities; (6) overall program implementation including staffing practices, parental and community involvement, evaluation of program results, and dissemination of the results; and (7) determination of staff and program effectiveness in meeting the stated needs of target students.³

JOM PROGRAMS AND SERVICES

In February 2006, in response to an inquiry from the Senate Indian Affairs Committee about JOM, NIEA sent a survey to

its membership about the services their schools are providing to Indian students with JOM funds. The response was overwhelming. The responses show how JOM funding, even though is it extremely limited due to BIA budget constraints (it averages out to less than \$50 per child), is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically. Moreover, the responses demonstrate how JOM funding is used to provide vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students can grow up to become productive citizens within their communities.

Survey participants stated that JOM funds helped students achieve and succeed by providing such services as: books and other reading materials, tutoring services, summer school, scholastic and testing fees, school supplies, youth leadership programs, musical instruments, student incentive programs, teacher aides, communication and transportation services, eyeglasses and contacts, resume counseling, college counseling, financial aid counseling, fees for athletic equipment and activities, caps and gowns, art and writing competitions, day care services for teen parents in school, field trips, elders in classrooms, Native language classes, awards ceremonies, computer labs, home visit counseling, Native academic competitions, teen outreach programs, internships, and choir, band, and cheerleading uniforms and equipment. Titles I and VII of the No Child Left Behind Act and impact aid do not permit funding for many of these important activities.

These responses demonstrate the need to continue funding JOM due to its effectiveness. The JOM program funding is most often used to meet the most basic needs of Indian students. The funding assists them in achieving academically, provides educational and cultural opportunities, promotes self-confidence and self-esteem, and creates and maintains parental, community, and tribal support networks for them.

FUNDING

NIEA urges Congress to fund the Johnson O'Malley Program at a total of no less than \$24 million, which was the amount of funding for JOM in FY 1994. Even back then, the needs of Indian children far exceeded the amount of funding. This does not factor in inflation, growing populations, and growing needs.

Underfunding for JOM is exacerbated by certain factors. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth. NIEA urges that the JOM funding freeze be lifted and that other formula-driven and head count-based grants be analyzed to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.



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Funding Indian Education Through Impact Aid

BACKGROUND INFORMATION

The federal government established the Impact Aid program (Title VIII of the No Child Left Behind Act) under the Truman Administration. Its purpose is to provide direct payments to public school districts as reimbursement for the loss of traditional property taxes due to a federal presence or federal activity. Because many public school districts that serve Native American children cannot draw tax revenue from Indian land or sales made on Indian land, they rely heavily on Impact Aid funding. In fact, many of the 640 Indian impacted school districts are totally dependent on these resources to operate. In addition to Indian impacted school districts, Impact Aid also assists school districts that serve children in low rent housing, children of military servicemen and service women, and children with civilian parents that work on federal property.

FUNDING SHORTAGE AND ANTICIPATED SHOCKS

Impact Aid was last fully funded in 1960, and our school districts have had to go to great lengths to make the most of these limited resources. A prorated distribution of available revenues is employed based on a combination of the percentage of impacted students, percentage of a school's budget that Impact Aid funds represent, and the local contribution rate. This complex negotiation is made more difficult with the anticipated influx of 32,000–40,000 military children returning home with their parents as part of military modernization measures and global rebasing. These children will swell the recipient pool, which will lead to a smaller portion of Impact Aid dollars for everybody. It is imperative that Basic Support appropriations increase proportionately to maintain current reform initiatives to close the achievement gap

SCHOOL FACILITIES AND CONSTRUCTION FUNDING

It is imperative that Impact Aid retain a strong construction budget. Because of lack of funding, Indian children are forced to attend schools not in compliance with local building codes, the American Disabilities Act, air quality, etc. Many Indian impacted school districts lack the local resources with which to bond for building projects and often go to absurd lengths to raise small amounts of money. For example, due to lack of funding and resources, the New Town School District in North Dakota, a heavily impacted Indian school, passed a 15-year bond measure for \$90,000 (\$6,000 per year) for teacher housing. The total cost was \$280,000 and the school district made up the difference through such activities as raising the price of tickets by \$2 at high school athletic events and donations.

Also, a few years ago, the National Indian Impacted Schools Association conducted a facility survey. It highlighted what we all know: many of the impacted schools of Indians are in deplorable condition. Further, almost every single district serving federally connected Indian children reported a major need for facility improvement. Over 60% of the districts have not passed a bond issue in the past twenty years due to scarce resources. In recent years, Administration budgets have proposed to cut school construction funding. In response, the Impact Aid community agreed to make up the difference by taking funds away from basic support, resulting in less grant funds for eligible recipients. Schools should never be forced to make this kind of decision.

THE FUTURE OF IMPACT AID

In this tight budgetary environment, we must all remain vigilant to ensure the vitality of this program. Impact Aid is responsible for providing our children with the resources to succeed. Indeed, many of our schools would simply cease to operate without it.

NIEA urges a 5% increase to address inflation; also there should be a 5% increase in aid to facilities construction.



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Insufficient Funding for the Construction and Repair of Bureau of Indian Affairs Schools

THE CURRENT PROBLEM – SHORTAGE OF FUNDING FOR INDIAN SCHOOL CONSTRUCTION

There is insufficient federal funding for the construction and repair of Bureau of Indian Affairs (BIA) schools. The Federal government is responsible by treaty for 184 Indian schools funded by the BIA. The BIA funds 7,341 educational facility structures in Indian country, which serve more than 60,000 students and 238 federally recognized Indian tribes located in 23 states. As of 2000, half of the school facilities in the BIA's inventory exceeded their useful lives of 30 years, and more than 20 percent were over 50 years old.

The BIA currently receives appropriated funds for the replacement of unsafe and outdated schools and 81 of 184 BIA schools have been identified as in need of major repairs or replacement. The Interior Department's Office of Inspector General (OIG) visited 13 BIA schools as part of a department-wide audit and found severe deterioration at elementary and secondary schools. The OIG issued a Flash Report in May 2007 warning that the failure to mitigate these conditions will likely cause injury or death to children and school employees. Since federal appropriations have not kept pace with critical needs for school facility repair and construction in Indian Country, alternative funding means must be explored.

A PARTIAL SOLUTION PROVIDED BY ARRA – SCHOOL CONSTRUCTION BONDS

The American Reinvestment and Recovery Act ("ARRA") authorized a new category of tax credit bonds – qualified school construction bonds - which can be used by tribes to raise private funds to support and supplement BIA school construction and repair. This authorization is the culmination of legislation that had been introduced in Congress every year since the 106th Congress, the Indian School Construction Act ("the Act"). The purpose of that Act was to provide an optional funding mechanism to repair and replace BIA school facilities through authorizing the issuance of tax credit bonds. ARRA contains language modeled on the Act that authorizes tribal governments with a new, voluntary option for funding school construction through the issuance of tax credit bonds. By allowing federal funding to be leveraged to raise private funds through bond issuance, the legislation allows replacement or repair of schools to occur more quickly than otherwise possible with the same level of appropriations.

Specifically, the benefits of the ARRA school bond provision are that:

- Up to \$200 million in Qualified Tribal Modernization Bonds could be issued in FY 2010 to provide funding for the construction of school facilities in the BIA system.
- Issuance of bonds does not require any payments by the schools or Tribes. In fact, in combination with the Indian Self-Determination and Education Assistance Act, for the first time, Tribal Schools may be repaired and replaced using local architects, engineers, artisans and financial institutions, all selected by the Tribes themselves, using funds raised through bond issuance; and
- The bonds would provide tax credits to bond holders in lieu of interest payments.

Under the Recovery Act, the bonds must meet three requirements: (1) 100 percent of the bond's available project proceeds must be used to construct, rehabilitate or repair a public school facility or to acquire land on which such a bond-financed facility is to be constructed; (2) the bond must be issued by the state, local or Tribal government within which such school is located; and (3) the issuer must designate the bond as a qualified school construction bond.

THE FINAL STEP - ADDITIONAL LANGUAGE NEEDED

Despite the progress made in the ARRA in authorizing the school construction bonds, none of the school bond allocation has been utilized by Tribal governments to date because the Department of Interior has indicated that the U.S. Secretary of Interior requires more explicit authorization than is currently contained in the ARRA in order to create an escrow account to hold funding for tribes to pay bondholders when the bonds mature. Such language was included in the Indian School Construction Act, but not in the ARRA.

As a result, it would assist in implementation of the ARRA school bond language if language were included in legislation that would make clear that for purposes of implementing Section 1521 of the ARRA, that the Secretary of Interior is authorized to deposit up to \$200 million into a tribal school modernization escrow account to support issuance of the

bonds and to promulgate any regulations necessary with regard to issuance of the bonds.

Proposed Language (some adjustment in this language may be necessary as ARRA funding expires):

The American Recovery and Reinvestment Act, Pub. L. 111-5, created a new category of qualified school construction bonds for the construction, rehabilitation and repair of schools funded by the Bureau of Indian Affairs. Under Section 1521 of the Act, the Secretary is allocated \$200 million for calendar year 2010 to support the issuance of bonds for BIA schools. For purposes of implementing Section 1521, the Secretary is authorized to deposit up to \$200 million into a tribal school modernization escrow account as necessary to support issuance of the bonds and to promulgate any regulations necessary with regard to issuance of the bonds. The principal amount of any qualified tribal school modernization bond issued under Section 1521 shall be repaid only to the extent of any funds escrowed in the tribal school modernization escrow account.

The Secretary may accept for transfer into the Tribal school modernization account amounts from, as the Secretary determines appropriate, other Federal departments and agencies (such as amounts made available for facility improvement and repairs) and non-Federal public or private sources for purposes of implementing Section 1521. For purposes of implementing Section 1521, the Secretary shall invest tribal school modernization account amounts in (1) obligations issued or guaranteed by the United States; or (2) such other assets as the Secretary of the Treasury may allow, by regulation.



Tribal Education Departments



Tribal Education Departments (TEDs) serve thousands of tribal students nationwide, in Bureau of Indian Affairs, Tribal, and public schools. TEDs work on reservations, in urban areas, and in rural areas. They have positive impacts on early childhood, K-12, higher, and adult education. The role of Tribal Education Departments in the preservation of our histories, cultures and languages

cannot be overstated. TEDs are the key to our futures, and to our children's futures, empowering Tribal members (and future Tribal leaders) with the knowledge that helps ensure that they are best prepared for work, for leadership, and for life. TEDs are working to achieve these goals by developing and administering sound educational policies; by gathering and reporting data relevant to Native students, and by performing or obtaining critical research and analyses to help tribal students from early childhood through higher and adult education in all kinds of schools and school systems.

Unfortunately, too many of our TEDs lack sufficient resources to accomplish their missions. Our language and culture preservation and revitalization efforts desperately need good recording devices, videos, and computers. Our students, teachers, and parents need ready and reliable access to today's digitized information world. Increases in funding to address these needs are desperately needed to assist TEDs to strengthen tribal communities and partner with the federal and state governments and schools to improve education for tribal students.

FY 2010 FEDERAL BUDGET REQUEST

Funding for TEDs has been authorized by Congress TED appropriations in two separate laws:

- 1) Congress has authorized appropriations for TEDs within the BIA budget of the U.S. Department of Interior (25 U.S.C. 2020); and
- 2) Congress has authorized appropriations for TEDs in the budget of the U.S. Department of Education (20 U.S.C. Section 7455).

Both of these authorizations are retained in the No Child Left Behind Act. However, Congress never has actually appropriated funding for TEDs under these authorizations. The funding request from Indian Country for TED programs is at a level of \$5 million from both U.S. Department of the Education and the U.S. Department of Interior. If funded, even this modest amount would have a significant impact on Indian education.

TEDs are responsible for many of the functions for which a State Education Department or Agency would be responsible, including setting meaningful education policies and regulations; collecting and analyzing education data; engaging in education planning; setting academic standards and developing student progress assessments; and determining what students learn and how it is taught. Currently most TEDs operate on an extremely small budget. TEDs typically do not have funds for operational expenses and staff to conduct education research and planning or to develop Tribal education initiatives and materials like truancy programs and curricula despite the fact that Native students need these services to close the reported achievement gaps and perform well in school.



Funding American Indian - Alaska Native Head Start and Early Head Start Programs

BACKGROUND

Indian Head Start addresses the health, education, family and community needs of Native children in a holistic manner. Approximately 15.4% of the age-eligible Indian child population is enrolled in Indian Head Start (of the approximately 562 federally recognized tribes, only 188 have Head Start programs). Indian Head Start is needed because Native children face a difficult learning environment: the Indian reservation poverty rate is 31.2%, nearly three times the national average of 11.6%; an additional 30% of the Indian reservation population is only just above the poverty line, with there being no significant reservation middle class or upper class; the Indian reservation unemployment rate is approximately 50%, ten times the national unemployment rate of 5.2%; and the violent crime rate on some reservations is six times the national average.

HEAD START ACT REAUTHORIZATION

In December 2007, the Head Start Act was reauthorized by Congress under the guidance of the National Indian Head Start Directors Association and with the support of NIEA.

In FY 2010, Indian Head Start and Early Head Start received a funding increase of 24%, which took the two programs' funding levels from \$185 million to \$230 million. These funding increases were the result of the Head Start Act and the ARRA, which ends in 2011.

KEY RECOMMENDATIONS:

- Urge Congress to support full funding in the FY 2011 and the FY 2012 appropriations so as to trigger the Indian special expansion funding provisions. (such funds can only be awarded after full COLA has been paid to all Head Start programs), and to prevent this program from the funding cliff once ARRA ends in 2011. This amounts to an increase of at least \$1 billion for the entire Head Start program, including but not limited to Indian Head Start.
- Urge that the definition of "expansion" for funding purposes should include not only new positions, but also the establishment of new programs in unserved Indian communities, as well as quality improvements (e.g., increased staffing, professional development, transportation equipment, computer technology/web access, facility renovations and repair, etc.). Requests for expansion should also include going from part-day to full-day, from home-based to center-based, full year services and from Head Start to Early Head Start.



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